



ZPw
PATENT

Case Docket No.: BT-001
Date: July 18, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	TAN
App. No.	:	10/823,043
Filed	:	April 12, 2004
For	:	Annatto Extract Compositions Including Tocotrienols and Tocopherols and Methods of Use
Examiner	:	McCormick-Ewoldt, S.B.
Group Art Unit	:	1654

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

ZPw
July 18, 2005

(Date)

Kirk Hahn, Reg. No. 51,763

TRANSMITTAL LETTER

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified patent is:

- Response to Restriction Requirement in two (2) pages
- The present application qualifies for small entity status under 37 C.F.R. §1.27.
- A credit card information sheet
- Return prepaid postcard.

The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment to the credit card number indicated in the credit card information sheet.

ZPw
Kirk Hahn
Registration No. 51,763
Agent of Record
Customer No. 038,051



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Kirk Hahn, Reg. No. 51,763

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner in a Restriction Requirement mailed June 24, 2005 has identified 7 groups (I – VII) of claims representing separate inventions. Group I, consisting of claims 1-17, is a product, and Groups II-VII, consisting of claims 18-24, are processes.

The examiner also has stated that when a restriction is required between product and process claims, if the applicant elects claims directed to the product, and a product claim is subsequently found allowable, then withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claim will be rejoined in accordance with the provisions of MPEP §821.94.

Applicant elects Group I, claims 1-17, and further elects species “palm extract” in Claim 4, without traverse. Additionally, the applicant reserves the right of rejoinder of the process claims if the product claims are found allowable.

In view of Applicant's election, it is respectfully submitted that the present application is in condition for examination. Should the Examiner have any remaining concerns which might prevent the prompt examination of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

No fees are believed due; however, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to credit card information.



Kirk Hahn
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Customer Number 038051
714-544-2934